

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>LENELLE GRAY,</b>	:	<b>CIVIL ACTION NO. 1:CV-10-1772</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Kane)</b>
	:	<b>(Magistrate Judge Carlson)</b>
<b>v.</b>	:	
	:	
<b>UNITED STATES OF AMERICA</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

Before the court in the captioned action is a March 28, 2013 report and recommendation of Magistrate Judge Carlson. No timely objections have been filed.

Accordingly, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

1) The Court adopts the Report and Recommendation of Magistrate Judge Carlson. (Doc. No. 65).

2) The United States' motion to dismiss the complaint, or alternatively for summary judgment on the plaintiff's single remaining tort claim (Doc. No. 51) is **DENIED.**

3) The case is referred to Magistrate Judge Carlson for further pretrial management.

S/ Yvette Kane  
YVETTE KANE, Chief Judge  
United States District Court  
Middle District of Pennsylvania

Dated: April 19, 2013